

Adoption (Fees) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 88

made under the

Adoption Act 2009

General Outline

Short title

Adoption (Fees) Amendment Regulation 2018

Authorising law

Section 328 of the *Adoption Act 2009*

Policy objectives and the reasons for them

Adoption is a legal process that establishes a permanent parent-child relationship between a child and his or her adoptive parent/s. The Department of Child Safety, Youth and Women (DCSYW) solely administers the *Adoption Act 2009* (the Act) to arrange for the adoption of children in Queensland, including the adoption of children from overseas by Queensland adults. The delivery of high-quality adoption services attracts significant costs.

Sections 71(3), 93(c), 112(1), 198(3) and 298(3) of the Act provide for the payment of fees at various stages of the adoption process, including application, assessment and supervision. Adoption fees are prescribed in Schedule 2 of the *Adoption Regulation 2009* (the Regulation).

The *Queensland Government Principles for Fees and Charges* requires agencies to have processes in place to ensure that fees maintain their value over time. Where regular comprehensive review is not cost effective or no specific indexation method was approved by the Cabinet Budget Review Committee, agencies should apply the Government indexation rate for fees. The government indexation rate published in the *Financial Circular 2017-18* by Queensland Treasury for increases in fees from 1 July 2018 to 30 June 2019 is 3.5 per cent.

The *Adoption (Fees) Amendment Regulation 2018* (the Amendment Regulation) increases fees in Schedule 2 of the Regulation by applying the government indexation policy in the *Queensland Government Principles for Fees and Charges* to adoption fees. Adoption fees have increased annually since 2009. The new adoption fees will commence on 1 July 2018.

Achievement of policy objectives

The Amendment Regulation maintains the value of prescribed fees in the *Adoption Regulation 2009* through an increase to the 2018-19 adoption fees by 3.5 per cent. The adoption fees achieve the policy objective to maintain their value over time, by applying the Government index rate in compliance with the *Queensland Government Principles for Fees and Charges*.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objective of the *Adoption Act 2009* to provide for the adoption of children in a way that supports efficient and accountable practice in the delivery of adoption services in Queensland.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by an amendment to the Regulation.

Benefits and costs of implementation

The increase to adoption fees assists DCSYW to continue to meet the costs to provide adoption services, while maintaining a proportionate and sustainable fee structure. The Queensland Government continues to meet the majority of costs to deliver adoption services.

There are no additional implementation costs to government in adjusting the adoption fees.

DCSYW implements the adoption fees for intercountry adoptions in two instalments in order to stagger the payment of fees and align the timing of fees with the events linked to costs incurred. There are no fees for parties that make an expression of interest to participate in a reassessment (if one is required), or for attending information or education sessions.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the Amendment Regulation. DCSYW applied a self-assessed exclusion from further regulatory impact analysis on the basis that the Amendment Regulation applies a standard annual fee variation in line with or below a government-endorsed indexation factor – category (h).